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**JUN 29 2005**

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**

In re Application of  
Susanna M. Rybak et al.  
Application No. 09/961,400  
Filed: September 25, 2001  
Attorney Docket No. 018733-1059  
Title: IMMUNOCONJUGATES OF TOXINS  
DIRECTED AGAINST MALIGNANT CELLS

This is a decision on the petition filed March 30, 2005, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed July 15, 2004, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 16, 2004. A notice of abandonment was mailed on March 8, 2004.

With the instant petition, Petitioner has supplied the petition fee and the proper statement of unintentional delay. On January 18, 2005, a continuation application was filed (11/036,364). As such, this petition under 37 C.F.R. §1.137(b) is **GRANTED**. Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing Application No. 11/036,364.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.